

REMARKS

Reconsideration of this application, as presently amended, is respectfully requested. Claims 1-15 and 17 are now pending in the present application, with claim 16 having been cancelled by the present Amendment. Claims 1-17 stand rejected. The rejections of claims 1-17 as set forth in the Office Action are respectfully traversed below.

Claims Rejections – 35 U.S.C. § 101

Claims 16 was rejected under 35 U.S.C. § 101 for allegedly being directed to non-statutory subject matter. More particularly, The Examiner asserts, on page 7, item 3 of the Office Action, that claim 16 is directed to non-statutory subject matter because it allegedly “[fails] to produce a useful, concrete and tangible result.”

Claim 16 has been cancelled by the present amendment, thereby rendering the rejection moot.

Claim rejections - 35 U.S.C. § 103

Claims 1-17 were rejected under 35 USC § 103 as being unpatentable over *Purcell* (U.S. Patent No. 5,940,807) or *Tambay et al.* (U.S. Patent Publication No. 2002/00026403) in view of *O'Neill et al.* (U.S. Patent No. 6,219,653). For the reasons set forth in detail below, this rejection, to the extent it is considered to apply to the amended claims, is respectfully traversed.

Purcell is directed to an information management system for matching buyers and sellers of products and services. The information management system is a computer having information processing and storage capability, and electronic communication connections, such as modems, to allow sellers and buyers to communicate with the information management system (col. 3, lines 50 – 57). Further, the system may be administered in an Internet environment (col. 8, lines 1 and 17-20).

An approved seller of products and services is granted limited access to the information management system to perform self-initiated access to the seller's inventory information for adding, amending or deleting portions of that seller's inventory information (col. 3, lines 57-64). Similarly, an approved buyer of products and services is granted limited access to the information management system so that each buyer has the self-initiatable capability to access the buyers listing for reviewing products and services of interest to the buyer (col. 3, line 67 – col. 4, line 4).

The information management system disclosed by *Purcell* operates in a database format in which information related to a particular product or service item is maintained as a record in a database (col. 4, lines 51-64). Sellers and buyers have access to the database for exchanging sales information (col. 6, lines 6-9).

Tambay et al. discloses a trading system for trading commodities. More particularly, in accordance with an embodiment of *Tambay et al.*, a virtual trading center is provided, which market participants access using a network access device, such as a computer. The virtual trading center may exist on a website on the World Wide Web, as well as on other computer

networks (see Section [0043]). Fig. 4 illustrates the steps of a transaction with respect to a buyer or a seller in the product trading system. As shown in Fig. 4, after a participant enters the virtual product trading center, the participant identifies the market segment of interest to that participant, a standard contract is displayed, and it is determined whether the participant is a qualified buyer or seller (Steps 405-440). Next, auction processing is performed, a transaction is consummated and participants are informed of the auction status (Steps 450-460, and see also Sections [0050]-[0054]).

The *O'Neill* reference was cited to teach the calculation of freight cost in a sale transaction.

Thus, although the cited references generally teach computerized trading systems or “on-line” trading systems, none of the cited references relate to a product trading system wherein a production machine is monitored to generate production information. More particularly, neither *Purcell*, *Tambay et al.* nor *O'Neill* disclose or suggest a product trading system having a machine information generating means for monitoring a production machine, and generating production information related to a product being produced or to be produced by the production machine and outputting the production information, as recited in claims 1 and 12.

In contrast, according to *Purcell*, a seller of products or services performs self-initiated access to the seller's inventory information to add, amend or delete portions of that seller's inventory information. Further, although *Tambay et al.* disclose that the trading center may collect, collate and generate industry supply-demand information and trend information (see Section [0020]), *Tambay et al.* does not disclose or suggest a machine information generating

means for monitoring a production machine and generating production information related to a product being produced by the production machine, as recited in claim 1 (and corresponding method claim 12).

Further, none of the cited references disclose or suggest the features recited in claim 6 of a machine information output means that outputs positional information about a mobile production machine, and a production information presentation means for showing a buyer a mobile production machine located in a neighborhood of a delivery place specified by the buyer based on the positional information output by the machine information output means.

O'Neill simply calculates freight costs based on a destination location in a delivery request and the origination location. *O'Neill* does not disclose or suggest showing a buyer a mobile production machine based on positional information output from a machine information output means.

Moreover, each of dependent claims 2-5, 7-11 and 13-17 are allowable by virtue of their dependency on claims 1, 6 and 12.

For the reasons set forth above, it is respectfully submitted that none of the cited references, whether taken alone or in combination, disclose, suggest or render obvious the presently claimed invention. Reconsideration and withdrawal of the rejection under § 103 are respectfully requested.

CONCLUSION

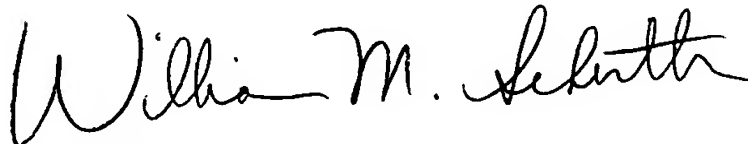
In view of the foregoing amendments and accompanying remarks, it is submitted that all pending claims are in condition allowance. A prompt and favorable reconsideration of the rejection and an indication of allowability of all pending claims are earnestly solicited.

If the Examiner believes that there are issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

To the extent necessary, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension of time or any other fees that may be due with respect to the filing of this paper may be charged to Deposit Account No. 50-2866 (Atty. Docket No. 011738), and please credit any excess fees to such deposit account.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



William M. Schertler
Attorney for Applicants
Registration No. 35,348
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

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